

# **Exhibit B**

JUN 20, 2023 02:57 PM

*Robin C. Bishop*  
Robin C. Bishop, Clerk of State Court  
Cobb County, Georgia

**IN THE STATE COURT OF COBB COUNTY  
STATE OF GEORGIA**

**KRISTIN WYNN,  
Plaintiff,**

**vs.**

**KATHERINE JIMEMEZ, SMYRNA  
POLICE DEPARMENT and PUBLIX  
SUPER MARKETS, INC.,  
Defendants.**

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**Civil Action No. 23-A-1988**

**ANSWER OF KATHERINE JIMENEZ AND PUBLIX SUPER MARKETS, INC.**

COME NOW, Defendants Katherine Jimenez (sometimes hereinafter “Ms. Jimenez”) and Publix Super Markets, Inc. (sometimes hereinafter “Publix”) and answer and respond to the Plaintiff’s “Complaint for Damages,” and for answer, show the Court as follows:

**FIRST DEFENSE**

Plaintiff’s Complaint fails to state a cause of action against these Defendants upon which relief can be granted.

**SECOND DEFENSE**

No act or omission of these Defendants either proximately caused or contributed to all damage the Plaintiff may have sustained, and on account thereof, Plaintiff is not entitled to recover any sum of these Defendants.

**THIRD DEFENSE**

The occurrence complained of was caused, produced or brought about directly and proximately by the negligence of the Plaintiff and/or some other person or persons for whom these Defendants were not responsible and, on account thereof, Plaintiff is not entitled to recover any sum of these Defendants.

**FOURTH DEFENSE**

Plaintiff, by the exercise of ordinary care, could have avoided being injured and damaged, and on account thereof, Plaintiff is not entitled to recover any sum of these Defendants.

**FIFTH DEFENSE**

The negligence of Plaintiff equaled or preponderated over any act or omission of these Defendants in producing and bringing about the occurrence complained of, and on account thereof, Plaintiff is not entitled to recover any sum of these Defendants.



**SIXTH DEFENSE**

Plaintiff is not the real party in interest with regards to the damages outlined in the Complaint, and can therefore not recover for same.

**SEVENTH DEFENSE**

These Defendants have breached no duty owed to the Plaintiff.

**EIGHTH DEFENSE**

These Defendants were not the proximate cause of any injury to the Plaintiff Kristin Wynn and the Plaintiff fails to identify any such injuries or damages in her Complaint. As such, the Complaint should be dismissed.

**NINTH DEFENSE**

These Defendants hereby give notice that they intend to rely upon such other affirmative defenses as may become available or apparent during the course of discovery and thus reserve the right to amend its answer to assert any such defenses.

**TENTH DEFENSE**

Further answering the numbered paragraphs of Plaintiff's Complaint, Defendants answer as follows:

1.

These Defendants do not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 1 of Plaintiff's Complaint and can therefore neither admit nor deny same.

2.

These Defendants admit the allegations contained in paragraph 2 of Plaintiff's Complaint.

3.

These Defendants do not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 3 of Plaintiff's Complaint and can therefore neither admit nor deny same.

4.

These Defendants admit the allegations contained in paragraph 4 of Plaintiff's Complaint.

5.

These Defendants admit the allegations contained in paragraph 5 of Plaintiff's Complaint.

6.

These Defendants deny the allegations contained in paragraph 6 of Plaintiff's Complaint.

7.

These Defendants deny the allegations contained in paragraph 7 of Plaintiff's Complaint.

8.

These Defendants deny the allegations contained in paragraph 8 of Plaintiff's Complaint.

9.

These Defendants do not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 9 of Plaintiff's Complaint and can therefore neither admit nor deny same. The Defendant Publix admits that the CCTV video does not contain audio.

10.

These Defendants deny the allegations contained in paragraph 10 of Plaintiff's Complaint.

11.

These Defendants deny the allegations contained in paragraph 11 of Plaintiff's Complaint.

12.

These Defendants deny the allegations contained in paragraph 12 of Plaintiff's Complaint as stated.

13.

The Defendants have insufficient information as to the Plaintiff's age and further has insufficient information as to the allegations contained against the Smyrna Police Department. However, the Defendants deny that the Plaintiff was treated in a discriminatory manner.

14.

These Defendants deny the allegations contained in paragraph 14 of Plaintiff's Complaint.

15.

These Defendants deny the allegations contained in paragraph 15 of Plaintiff's Complaint as stated.

16.

These Defendants deny the allegations contained in paragraph 16 of Plaintiff's Complaint as stated.

17.

These Defendants deny the allegations contained in paragraph 17 of Plaintiff's Complaint.

18.

These Defendants deny the allegations contained in paragraph 18 of Plaintiff's Complaint.

19.

These Defendants deny the allegations contained in paragraph 19 of Plaintiff's Complaint.

20.

These Defendants deny the allegations contained in paragraph 20 of Plaintiff's Complaint.

21.

These Defendants deny the allegations contained in paragraph 21 of Plaintiff's Complaint.

22.

These Defendants deny the allegations contained in paragraph 22 of Plaintiff's Complaint.

23.

These Defendants deny the allegations contained in paragraph 23 of Plaintiff's Complaint.

24.

These Defendants deny the allegations contained in paragraph 24 of Plaintiff's Complaint.

25.

These Defendants deny the allegations contained in paragraph 25 of Plaintiff's Complaint.

26.

These Defendants deny the allegations contained in paragraph 26 of Plaintiff's Complaint.

27.

These Defendants deny the allegations contained in paragraph 27 of Plaintiff's Complaint.

28.

These Defendants deny the allegations contained in paragraph 28 of Plaintiff's Complaint.

29.

Defendants re-state and re-allege their above responses to paragraphs 1 through 28 of the Plaintiff's Complaint as if fully set out herein.

30.

These Defendants deny the allegations contained in paragraph 30 of Plaintiff's Complaint.

#### **ELEVENTH DEFENSE**

Any allegation contained in the Plaintiff's Complaint, which has not herein expressly been admitted, is hereby denied.

WHEREFORE, Defendants having fully answered the Plaintiff's Complaint prays that they hence be discharged of the Plaintiff's Complaint on all the aforesaid defenses, and that judgment be entered in favor of these Defendants and against the Plaintiff, with all costs cast upon the Plaintiff.

This 20<sup>th</sup> day of June, 2023.

One Premier Plaza  
5605 Glenridge Drive, NE  
Suite 900  
Atlanta, GA 30342-1445  
(404) 688-6633  
[jhardee@fainmajor.com](mailto:jhardee@fainmajor.com)  
[swilliamson@fainmajor.com](mailto:swilliamson@fainmajor.com)

**FAIN MAJOR & BRENNAN, P.C.**

*/s/ James W. Hardee*

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JAMES W. HARDEE  
Georgia Bar No. 324399  
SARAH H. WILLIAMSON  
Georgia Bar No. 421096  
*Counsel for Katherine Jimenez and Publix  
Super Markets, Inc.*

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**Civil Action No. 23-A-1988**

**CERTIFICATE OF SERVICE**

This is to certify that I have this date served upon counsel for the opposing parties in the foregoing matter a copy of the **Answer of Defendants Katherine Jimenez and Publix Super Markets, Inc.** electronically via PeachCourt, via statutory electronic service, or by placing same in the United States Mail, postage prepaid, addressed as follows:

Kristin Wynn  
2729 Waymar Dr. SW  
Marietta, GA 30008  
[Kristin.v.wynn@gmail.com](mailto:Kristin.v.wynn@gmail.com)  
*Pro Se Plaintiff*

This 20<sup>th</sup> day of June, 2023.

**FAIN MAJOR & BRENNAN, P.C.**

One Premier Plaza  
5605 Glenridge Drive, NE  
Suite 900  
Atlanta, GA 30342-1445  
(404) 688-6633  
[jhardee@fainmajor.com](mailto:jhardee@fainmajor.com)  
[swilliamson@fainmajor.com](mailto:swilliamson@fainmajor.com)

**/s/ James W. Hardee**

**JAMES W. HARDEE**  
Georgia Bar No. 324399  
**SARAH H. WILLIAMSON**  
Georgia Bar No. 421096  
*Counsel for Katherine Jimenez and Publix  
Super Markets, Inc.*